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8

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 MAKE LIBERTY WIN,

Case No. 3:20-cv-00592-RCJ-WGC

12 Plaintiff(s),

13 vs.  
14 **DEFENDANT'S ANSWER  
15 AND DEFENSES TO PLAINTIFF'S  
16 VERIFIED COMPLAINT**

BARBARA K. CEGAVSKE, in her official  
capacity as SECRETARY OF STATE OF  
NEVADA,

Defendant(s).

17 Defendant BARBARA K. CEGAVSKE, in her official capacity as Secretary of State  
18 of Nevada (Secretary), by and through counsel, Aaron D. Ford, Attorney General, and  
19 Gregory L. Zunino, Deputy Solicitor General, hereby submit her Answer and Defenses to  
20 Plaintiff's Verified Complaint (Complaint, ECF. No. 1):

21 **JURISDICTION AND VENUE**

22 1. The Secretary admits the allegation in paragraph 1 of the Complaint.  
23 2. The Secretary admits the allegation in paragraph 2 of the Complaint.

24 **PARTIES**

25 3. The Secretary admits the allegations in paragraph 3 of the Complaint.  
26 4. The Secretary admits the allegations in paragraph 4 of the Complaint.

27 **LIBERTY'S POLITICAL SPEECH**

28 5. The Secretary admits the allegations in paragraph 5 of the Complaint.

- 1 6. The Secretary admits the allegations in paragraph 6 of the Complaint.
- 2 7. The Secretary denies information sufficient to form a belief as to the truth of the
- 3 allegations in paragraph 7 of the Complaint.
- 4 8. The Secretary denies information sufficient to form a belief as to the truth of the
- 5 allegations in paragraph 8 of the Complaint.
- 6 9. The Secretary admits the allegation in paragraph 9 of the Complaint.
- 7 10. The Secretary denies information sufficient to form a belief as to the truth of the
- 8 allegations in paragraph 10 of the Complaint.
- 9 11. The Secretary admits the allegations in paragraph 11 of the Complaint.
- 10 12. The Secretary admits the allegations in paragraph 12 of the Complaint.
- 11 13. The Secretary denies that Liberty's doorhanger creates no implication or
- 12 suggestion that Dickman is the current incumbent assembly member. The Secretary
- 13 otherwise admits the allegation in paragraph 13 of the Complaint.
- 14 14. The Secretary denies information sufficient to form a belief as to the truth of the
- 15 allegations in paragraph 14 of the Complaint.
- 16 15. The Secretary denies information sufficient to form a belief as to the truth of the
- 17 allegations in paragraph 15 of the Complaint.
- 18 16. The Secretary denies information sufficient to form a belief as to the truth of the
- 19 allegations in paragraph 16 of the Complaint.
- 20 17. The Secretary denies information sufficient to form a belief as to the truth of the
- 21 allegations in paragraph 17 of the Complaint.
- 22 18. The Secretary admits the allegation in paragraph 18 of the Complaint.
- 23 19. The Secretary admits the allegation in paragraph 19 of the Complaint.
- 24 20. The Secretary admits the allegation in paragraph 20 of the Complaint.
- 25 21. The Secretary admits the allegation in paragraph 21 of the Complaint.
- 26 22. The Secretary admits that her staff failed to give Liberty a copy of the
- 27 administrative complaint against Liberty. The Secretary offers no response to the other
- 28 allegation in paragraph 22 of the Complaint because it states a legal conclusion.

- 1 23. The Secretary admits the allegation in paragraph 23 of the Complaint.
- 2 24. The Secretary admits the allegation in paragraph 24 of the Complaint.
- 3 25. The Secretary admits that paragraph 25 of the Complaint accurately quotes the
- 4 contents of the letter mentioned therein. The Secretary denies that the letter was
- 5 threatening.
- 6 26. The Secretary admits that paragraph 26 of the Complaint accurately quotes the
- 7 contents of the letter mentioned therein.
- 8 27. The Secretary offers no response to the first sentence of paragraph 27 of the
- 9 Complaint because it states a legal conclusion. The Secretary denies that her conduct or
- 10 that of her staff deprived Liberty of notice and an opportunity to be heard. This is
- 11 because no enforcement or collection action was taken against Liberty.
- 12 28. The Secretary denies information sufficient to form a belief as to the truth of the
- 13 allegations in paragraph 28 of the Complaint.
- 14 29. The Secretary denies information sufficient to form a belief as to the truth of the
- 15 allegations in paragraph 29 of the Complaint.
- 16 30. The Secretary offers no response to paragraph 30 of the Complaint because it
- 17 states a legal conclusion.
- 18 31. The Secretary denies information sufficient to form a belief as to the truth of the
- 19 allegations in paragraph 31 of the Complaint.

#### 20 INJUNCTIVE RELIEF

- 21 32. The Secretary denies the allegation in paragraph 32 of the Complaint.
- 22 33. The Secretary denies that Liberty is entitled to a remedy—legal, equitable, or
- 23 otherwise—for the alleged harm described in its Complaint.
- 24 34. The Secretary denies the allegation in paragraph 34 of the Complaint.
- 25 35. The Secretary denies the allegation in paragraph 35 of the Complaint.

#### 26 COUNT ONE

- 27 36. The Secretary repeats the applicable responses as set forth above and incorporates
- 28 them herein by this reference.

- 1 37. The Secretary denies the allegations in paragraph 37 of the Complaint.
- 2 38. The Secretary admits the allegations in paragraph 38 of the Complaint.
- 3 39. The Secretary admits the allegation in paragraph 39 of the Complaint.
- 4 40. The Secretary admits the allegation in paragraph 40 of the Complaint.
- 5 41. The Secretary offers no response to paragraph 41 of the Complaint because it  
6 states a legal conclusion and paraphrases the contents of a statute.
- 7 42. The Secretary denies the allegations in paragraph 42 of the Complaint.
- 8 43. The Secretary offers no response to paragraph 43 of the Complaint because it  
9 states a legal conclusion.
- 10 44. The Secretary denies the allegation in paragraph 44 of the Complaint.
- 11 45. The Secretary denies the allegation in paragraph 45 of the Complaint.
- 12 46. The Secretary admits the allegation in paragraph 46 of the Complaint.
- 13 47. The Secretary offers no response to paragraph 47 of the Complaint because it  
14 states a legal conclusion.
- 15 48. The Secretary denies information sufficient to form a belief as to the truth of the  
16 allegations in paragraph 48 of the Complaint.
- 17 49. The Secretary denies the allegations in paragraph 49 of the Complaint.

## **COUNT TWO**

- 19 50. The Secretary repeats the applicable responses as set forth above and incorporates  
20 them herein by this reference.
- 21 51. The Secretary denies the allegations in paragraph 51 of the Complaint.
- 22 52. The Secretary admits the allegation in paragraph 52 of the Complaint.
- 23 53. The Secretary admits the allegation in paragraph 53 of the Complaint.
- 24 54. The Secretary admits the allegation in paragraph 54 of the Complaint.
- 25 55. The Secretary offers no response to paragraph 55 of the Complaint because it  
26 states a legal conclusion and paraphrases the contents of a statute.
- 27 56. The Secretary denies the allegation in paragraph 56 of the Complaint.

1 57. The Secretary offers no response to paragraph 57 of the Complaint because it  
2 states a legal conclusion.

3 58. The Secretary denies the allegation in paragraph 58 of the Complaint.

4 59. The Secretary denies the allegation in paragraph 59 of the Complaint.

5 60. The Secretary admits the allegation in paragraph 60 of the Complaint.

6 61. The Secretary offers no response to paragraph 61 of the Complaint because it  
7 states a legal conclusion.

8 62. The Secretary denies information sufficient to form a belief as to the truth of the  
9 allegations in paragraph 62 of the Complaint.

10 63. The Secretary denies the allegations in paragraph 63 of the Complaint.

11 **COUNT THREE**

12 64. The Secretary repeats the applicable responses as set forth above and incorporates  
13 them herein by this reference.

14 65. The Secretary denies the allegations in paragraph 65 of the Complaint.

15 66. The Secretary admits the allegation in paragraph 66 of the Complaint.

16 67. The Secretary admits the allegation in paragraph 67 of the Complaint.

17 68. The Secretary admits the allegation in paragraph 68 of the Complaint.

18 69. The Secretary offers no response to paragraph 69 of the Complaint because it  
19 states a legal conclusion.

20 70. The Secretary offers no response to paragraph 70 of the Complaint because it  
21 states a legal conclusion.

22 71. The Secretary admits the allegation in paragraph 71 of the Complaint.

23 72. The Secretary denies the allegation in paragraph 72 of the Complaint.

24 73. The Secretary denies the allegation in paragraph 73 of the Complaint.

25 74. The Secretary offers no response to paragraph 74 of the Complaint because it  
26 states a legal conclusion.

27 75. The Secretary denies the allegation in paragraph 75 of the Complaint.

28 76. The Secretary denies the allegation in paragraph 76 of the Complaint.

1 77. The Secretary denies the allegations in paragraph 77 of the Complaint.

2 **COUNT FOUR**

3 78. The Secretary repeats the applicable responses as set forth above and incorporates  
4 them herein by this reference.

5 79. The Secretary denies the allegations in paragraph 79 of the Complaint.

6 80. The Secretary admits the allegation in paragraph 80 of the Complaint.

7 81. The Secretary admits the allegation in paragraph 81 of the Complaint.

8 82. The Secretary admits the allegation in paragraph 82 of the Complaint.

9 83. The Secretary offers no response to paragraph 83 of the Complaint because it  
10 states a legal conclusion.

11 84. The Secretary denies the allegation in paragraph 84 of the Complaint.

12 85. The Secretary admits the allegation in paragraph 85 of the Complaint.

13 86. The Secretary denies the allegation in paragraph 86 of the Complaint.

14 87. The Secretary denies the allegation in paragraph 87 of the Complaint.

15 88. The Secretary offers no response to paragraph 88 of the Complaint because it  
16 states a legal conclusion.

17 89. The Secretary denies the allegation in paragraph 89 of the Complaint.

18 90. The Secretary denies the allegation in paragraph 90 of the Complaint.

19 91. The Secretary denies the allegation in paragraph 91 of the Complaint.

20 **COUNT FIVE**

21 92. The Secretary repeats the applicable responses as set forth above and incorporates  
22 them herein by this reference.

23 93. The Secretary denies the allegations in paragraph 93 of the Complaint.

24 94. The Secretary admits the allegation in paragraph 94 of the Complaint.

25 95. The Secretary admits the allegation in paragraph 95 of the Complaint.

26 96. The Secretary admits the allegation in paragraph 96 of the Complaint.

27 97. The Secretary offers no response to paragraph 97 of the Complaint because it  
28 states a legal conclusion and paraphrases the contents of a statute.

1 98. The Secretary denies the allegations in paragraph 98 of the Complaint.

2 99. The Secretary offers no response to paragraph 99 of the Complaint because it  
3 states a legal conclusion.

4 100. The Secretary offers no response to paragraph 100 of the Complaint because it  
5 states a legal conclusion.

6 101. The Secretary admits the allegation in paragraph 101 of the Complaint.

7 102. The Secretary admits the allegation in paragraph 102 of the Complaint.

8 103. The Secretary denies information sufficient to form a belief as to the truth of the  
9 allegations in paragraph 103 of the Complaint.

10 104. The Secretary denies information sufficient to form a belief as to the truth of the  
11 allegations in paragraph 104 of the Complaint.

12 105. The Secretary denies the allegations in paragraph 105 of the Complaint.

13 **COUNT SIX**

14 106. The Secretary repeats the applicable responses as set forth above and incorporates  
15 them herein by this reference.

16 107. The Secretary denies the allegations in paragraph 107 of the Complaint.

17 108. The Secretary admits the allegation in paragraph 108 of the Complaint.

18 109. The Secretary admits the allegation in paragraph 109 of the Complaint.

19 110. The Secretary admits the allegation in paragraph 110 of the Complaint.

20 111. The Secretary offers no response to paragraph 111 of the Complaint because it  
21 states a legal conclusion and paraphrases the contents of a statute.

22 112. The Secretary denies the allegations in paragraph 112 of the Complaint.

23 113. The Secretary offers no response to paragraph 113 of the Complaint because it  
24 states a legal conclusion.

25 114. The Secretary offers no response to paragraph 114 of the Complaint because it  
26 states a legal conclusion.

27 ...

28 ...

- 1 115. The Secretary admits the allegation in paragraph 115 of the Complaint.
- 2 116. The Secretary admits the allegation in paragraph 116 of the Complaint.
- 3 117. The Secretary denies information sufficient to form a belief as to the truth of the
- 4 allegations in paragraph 117 of the Complaint.
- 5 118. The Secretary denies information sufficient to form a belief as to the truth of the
- 6 allegations in paragraph 118 of the Complaint.
- 7 119. The Secretary denies the allegations in paragraph 119 of the Complaint.

8 **COUNT SEVEN**

- 9 120. The Secretary repeats the applicable responses as set forth above and incorporates
- 10 them herein by this reference.

- 11 121. The Secretary denies the allegations in paragraph 121 of the Complaint.
- 12 122. The Secretary admits the allegation in paragraph 122 of the Complaint.
- 13 123. The Secretary admits the allegation in paragraph 123 of the Complaint.
- 14 124. The Secretary admits the allegation in paragraph 124 of the Complaint.
- 15 125. The Secretary offers no response to paragraph 125 of the Complaint because it
- 16 states a legal conclusion.
- 17 126. The Secretary denies information sufficient to form a belief as to the truth of the
- 18 allegations in paragraph 126 of the Complaint.
- 19 127. The Secretary denies the allegations in paragraph 127 of the Complaint.
- 20 128. The Secretary denies the allegation in paragraph 128 of the Complaint.
- 21 129. The Secretary denies the allegation in paragraph 129 of the Complaint.

22 **COUNT EIGHT**

- 23 130. The Secretary repeats the applicable responses as set forth above and incorporates
- 24 them herein by this reference.
- 25 131. The Secretary denies the allegations in paragraph 131 of the Complaint.
- 26 132. The Secretary admits the allegation in paragraph 132 of the Complaint.
- 27 ...
- 28 ...

- 1 133. The Secretary admits the allegation in paragraph 133 of the Complaint.
- 2 134. The Secretary admits the allegation in paragraph 134 of the Complaint.
- 3 135. The Secretary offers no response to paragraph 135 of the Complaint because it
- 4 states a legal conclusion.
- 5 136. The Secretary denies the allegations in paragraph 136 of the Complaint.
- 6 137. The Secretary denies the allegations in paragraph 137 of the Complaint.
- 7 138. The Secretary denies the allegations in paragraph 138 of the Complaint.
- 8 139. The Secretary denies the allegations in paragraph 139 of the Complaint.
- 9 140. The Secretary denies the allegations in paragraph 140 of the Complaint.

#### **AFFIRMATIVE DEFENSES**

The Secretary asserts the following affirmative defenses, which apply to every cause of action asserted in the Complaint to which such defenses may be applicable. By virtue of alleging these defenses, the Secretary does not assume any burden of proof, persuasion or production not otherwise legally assigned to the Secretary.

141. Except as otherwise specifically stated above, the Secretary of State denies every allegation contained in the Complaint.
142. Plaintiff is not entitled to relief as to any of the claims set forth in the Complaint.
143. Plaintiff's Complaint fails in whole or in part to state a claim upon which relief can be granted.
144. Plaintiff's claims are non-justiciable because Plaintiff's alleged injuries are either speculative or nonexistent; further, they are not traceable to any conduct on the part of the Secretary, or to the enforcement of the statutes that they identify as being unconstitutional.

#### **RESERVATION OF DEFENSES**

145. The Secretary reserves the right to amend this Answer and to assert additional defenses or to supplement, alter, or edit this Answer, or to assert any counterclaims.

WHEREFORE, the Secretary prays for judgment as follows:

1. That Plaintiff's claims be dismissed with prejudice in their entirety;

1 2. That judgment be entered in favor of the Secretary;  
2 3. For such other and further relief as the Court deems just and proper.

3 DATED this 9th day of November, 2020.

4 AARON D. FORD  
5 Attorney General

6 By: /s *Gregory L. Zunino*  
7 GREGORY L. ZUNINO  
Deputy Solicitor General  
[gzunino@ag.nv.gov](mailto:gzunino@ag.nv.gov)  
(775) 684-1237

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12  
13 CERTIFICATE OF SERVICE

14 I, Sandra Geyer, certify that I am an employee of the Office of the Attorney  
15 General, State of Nevada, and that on November 9, 2020 I filed Defendant's Answer  
16 and Defenses to Plaintiff's Verified Complaint via this Court's electronic filing system.  
17 Parties that are registered with this Court's EFS will be served electronically.

18 /s/ *Sandra Geyer*  
19 An employee of  
20 the office of the Nevada Attorney General  
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